

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

STATE OF INDIANA ex rel.)
Attorney General STEPHEN CARTER,)

Plaintiff,)

v.)

Civil Action No. 3:04-CV-001 RLY-WGH

Foxfire, LLC,)
d/b/a Institute of Natural Health,)
d/b/a Premier Products,)

PHILLIPS NUTRITIONALS, INC.)
d/b/a Institute of Natural Health,)
d/b/a Foxfire Corporation,)
d/b/a Premier Products,)

WAYNE PHILLIPS,)
individually and as a manager)
and owner of Foxfire, LLC and)
as an officer and director of)
Phillips Nutritionals, Inc.,)

and)

ANITA PHILLIPS,)
individually and as a manager)
and owner of Foxfire, LLC and)
as an officer and director of)
Phillips Nutritionals, Inc.,)

Defendants.)

FILED

AUG 09 2004

**U.S. CLERK'S OFFICE
EVANSVILLE, INDIANA**

**AMENDED COMPLAINT FOR PERMANENT INJUNCTION,
CONSUMER RESTITUTION, COSTS, AND OTHER RELIEF**

Plaintiff, State of Indiana, by Attorney General Stephen Carter and Deputy Attorney

General Justin G. Hazlett, alleges as follows:



1. This is an action under the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101 through 6108, the implementing Telemarketing Sales Rule, 16 C.F.R. §§ 310.1 through 310.9, the Indiana Deceptive Consumer Sales Act, Indiana Code §§ 24-5-0.5-1 through 24-5-0.5-12, and the Indiana Telephone Solicitations Act, Ind. Code §§ 24-5-12-1 through 24-5-12-25.

2. Plaintiff, through this action, seeks a permanent injunction, consumer restitution, costs, and other relief for Defendants' violations of the above-referenced Acts and Rule.

JURISDICTION AND VENUE

3. This court has subject matter jurisdiction over Plaintiff's federal law claims under 28 U.S.C. §§ 1331 and 1337(a), and under 15 U.S.C. § 6103. The court has subject matter jurisdiction over Plaintiff's state law claims under 28 U.S.C. § 1367.

4. Venue in this district is proper under 15 U.S.C. § 6103(e) and 28 U.S.C. § 1391(b) and (c).

PARTIES

5. Plaintiff, State of Indiana, is one of the fifty sovereign states of the United States. Stephen Carter is the duly elected Attorney General of Indiana, and brings this action in his official capacity as authorized by Ind. Code § 4-6-3-2, Ind. Code § 24-5-0.5-4(c), Ind. Code § 24-5-12-23, and by 15 U.S.C. § 6103.

6. Defendant Foxfire, LLC, is a Nevada limited liability company. Defendant engages in the business of soliciting and selling beauty products and other personal goods. Defendant's offices and principal place of business are located at 2416 S. Rotherwood Avenue, Evansville, Indiana. Defendant has conducted and continues to conduct business in the Southern District of

Indiana. Defendant has conducted and continues to conduct its business under the names "Institute of Natural Health," "Foxfire Corporation," and "Premier Products."

7. Defendant Phillips Nutritionals, Inc., is a Nevada corporation holding a certificate of authority to transact business as a foreign corporation in Indiana. Defendant engages in the business of soliciting and selling beauty products and other personal goods. Defendant's offices and principal place of business are located at 2416 S. Rotherwood Avenue, Evansville, Indiana. Defendant has conducted and continues to conduct business in the Southern District of Indiana. Defendant has conducted and continues to conduct its business under the names "Institute of Natural Health," "Foxfire Corporation," and, upon information and belief, "Premier Products."

8. Defendant Wayne Phillips is an Indiana resident residing at 917 Woodbridge Court, Newburgh, Indiana. Defendant is, and at all times relevant hereto has been, a manager and owner of the defendant Foxfire, LLC. Defendant has participated in and directed the activities of Foxfire, LLC, and has used Foxfire, LLC to deceive and harm Indiana consumers, and consumers of other states. Defendant is, and at all times relevant hereto has been, Secretary of the corporate defendant, Phillips Nutritionals, Inc., as well as a member of the board of directors of Phillips Nutritionals, Inc. Defendant has participated in and directed the activities of Phillips Nutritionals, Inc., and has used Phillips Nutritionals, Inc. to deceive and harm Indiana consumers, and consumers of other states.

9. Defendant Anita Phillips is an Indiana resident residing at 917 Woodbridge Court, Newburgh, Indiana. Defendant is, and at all times relevant hereto has been, a manager and owner of the defendant Foxfire, LLC. Defendant has participated in and directed the activities of Foxfire, LLC, and has used Foxfire, LLC to deceive and harm Indiana consumers, and consumers of other states. Defendant is, and at all times relevant hereto has been, President and

Treasurer of the corporate defendant, Phillips Nutritionals, Inc., as well as a member of the board of directors of Phillips Nutritionals, Inc. Defendant has participated in and directed the activities of Phillips Nutritionals, Inc., and has used Phillips Nutritionals, Inc. to deceive and harm Indiana consumers, and consumers of other states.

DEFENDANTS' ACTIVITIES

10. Defendants have offered and offer beauty products and other personal goods to consumers in Indiana and other states, soliciting sales of their products through third party telemarketers. Defendants' products are fungible, and are subject to depletion by usage.

11. The sales solicitations conducted by Defendants' third party telemarketers involve the telemarketers placing telephone sales calls to consumers. During these calls, the telemarketers ask the consumer to take a survey. The purpose of this survey is to elicit information from the consumer that will allow the telemarketer to identify those products of Defendants that the consumer may wish to purchase. Upon eliciting this information, the telemarketer offers specific product to the consumer.

12. As part of their solicitations and sales, Defendants represent, through the oral statements of their telemarketing agents and through written invoices shipped to consumers, that the consumer transactions, or the products themselves, involve the consumers' rights to receive and use Defendants' products during a free trial period after paying for only "shipping and handling" charges. The Defendants further represent that consumers will be charged for the product, as well as for additional shipments of product, only if the consumers do not cancel their participation in the trial before the expiration of the free trial period.

13. Sometime after Defendants' telemarketers report that a consumer has accepted the free trial offer, Defendants or others acting on Defendants' behalf ship goods to the consumer.

14. Despite Defendants' representations to consumers regarding the free trial offer, Defendants:

a. Submit, have submitted, or have caused others to submit billing information for payment from the accounts of consumers before the expiration of the free trial period, in some cases even before consumers have received the product subject to the free trial offer; and,

b. Submit, have submitted, or have caused others to submit billing information for payment from the accounts of consumers who have already timely canceled their participation in the free trial.

15. Defendants also ship, or have shipped, additional goods to consumers, and submit, have submitted, or have caused others to submit billing information for payment from the accounts of consumers who have canceled their participation in the free trial or who have otherwise requested that Defendants not send product to them.

16. Defendants submit, have submitted, or have caused others to submit the billing information referred to in numbered paragraphs 14 and 15 above without the consumers' express verifiable authorization.

17. Defendants submit, have submitted, or have caused others to submit the billing information referred to in numbered paragraphs 14 and 15 above without the consumers' express informed consent.

18. In some of their transactions, Defendants submitted or have caused others to submit billing information for payment from the accounts of consumers who had refused Defendants' offer of a free trial or who had otherwise refused Defendants' offers.

19. In at least some of their transactions, Defendants possess or possessed preacquired account information, which they use or used to gain access to consumers' accounts.

20. In some of the transactions, Defendants' telemarketers identified themselves as representatives of or otherwise affiliated with third parties such as Visa, Visa Rewards Program, and Centers for Disease Control when they were not representatives of or otherwise affiliated with these entities or programs. Upon information and belief, Defendants' telemarketers engaged in this activity to deceive consumers and facilitate the deceptive acquisition of billing information from the consumers.

21. As a result of Defendants' activities described above, Indiana and other states' consumers have incurred unwarranted charges to their accounts. The consumers suffering such charges currently known to Plaintiff are set forth in the attached Exhibit A.

22. Defendants have engaged in the activities described herein since at least February of 2003.

FEDERAL LAW VIOLATIONS

Violations of 16 C.F.R. § 310.3(a)(1)

23. Defendants, by prematurely charging consumers who agreed to participate in Defendant's free product trial, by charging consumers despite consumers' cancellations, and by shipping additional unwanted goods to consumers, as described in numbered paragraphs 12, 14, and 15 above, have failed to truthfully disclose the total costs to receive or use the goods subject to the free trial offer and the quantity of such goods.

24. Defendants have violated 16 C.F.R. § 310.3(a)(1)(i).

25. Defendants, by prematurely charging consumers who agreed to participate in Defendant's free product trial, by charging consumers despite consumers' cancellations, and by

shipping additional unwanted goods to consumers, as described in numbered paragraphs 12, 14, and 15 above, have failed to truthfully disclose all material terms and conditions of the free trial period.

26. Defendants have violated 16 C.F.R. § 310.3(a)(1)(vii).

Violations of 16 C.F.R. § 310.3(a)(2)

27. Defendants, by prematurely charging consumers who agreed to participate in Defendants' free product trial, by charging consumers despite consumers' cancellations, and by shipping additional unwanted goods to consumers, as described in numbered paragraphs 12, 14 and 15 above, have misrepresented the total costs to receive or use the goods subject to the free trial offer and the quantity of such goods.

28. Defendants have violated 16 C.F.R. § 310.3(a)(2)(i).

29. Defendants, by prematurely charging consumers who agreed to participate in Defendants' free product trial, and by charging consumers despite consumers' cancellations, as described in numbered paragraphs 12, 14, and 15 above, have misrepresented material aspects of the nature or terms of their cancellation policy.

30. Defendants have violated 16 C.F.R. § 310.3(a)(2)(iv).

31. Defendants, whose telemarketer agents represented affiliation with third parties they did not have, as described in numbered paragraph 20 above, have misrepresented such affiliation.

32. Defendants have violated 16 C.F.R. § 310.3(a)(2)(vii).

33. Defendants, by prematurely charging consumers who agreed to participate in Defendants' free product trial, by charging consumers despite consumers' cancellations, and by shipping additional unwanted goods to consumers, as described in numbered paragraphs 12, 14, and 15 above, have misrepresented material aspects of their free trial period.

34. Defendants have violated 16 C.F.R. § 310.3(a)(2)(ix).

Violations of 16 C.F.R. § 310.3(a)(3)

35. Defendants, by causing billing information to be submitted for payment without consumers' express verifiable authorization, as described in numbered paragraphs 16 and 18 above, have violated 16 C.F.R. § 310.3(a)(3).

Violations of 16 C.F.R. § 310.3(c)

36. Defendants, in the course of submitting or causing to be submitted billing information for payment as described in numbered paragraphs 14 through 20 above, have engaged in credit card laundering.

37. Defendants have violated 16 C.F.R. §§ 310.3(c)(1) through (3).

Violations of 16 C.F.R. § 310.4(a)(6)

38. Defendants, by causing billing information to be submitted for payment without consumers' express informed consent, as described in numbered paragraphs 17 and 18 above, have violated 16 C.F.R. § 310.4(a)(6).

STATE LAW VIOLATIONS

39. Plaintiff re-alleges and incorporates by reference the allegations contained in numbered paragraphs 1 through 22 above.

Violations of the Indiana Deceptive Consumer Sales Act

40. The transactions and Defendants' activities described herein involve the sale, other disposition, or the solicitation of the sale or other disposition, of items of personal property to persons for primarily personal purposes, and are "consumer transactions" within the meaning of Ind. Code § 24-5-0.5-2(a)(1).

41. Defendants are, and at all past times relevant herein were, sellers who regularly engage in or solicit consumer transactions, and are "suppliers" within the meaning of Ind. Code § 24-5-0.5-2(a)(3).

Violations of the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(8)

42. Defendants, through the representations and actions described in numbered paragraphs 12 and 14 above, have represented to consumers that the consumer transactions provide consumers the right to receive and use product for a trial period without incurring more than shipping and handling charges, when in fact Defendants' premature submission of billing information effectively strips this right from the transactions.

43. Defendants have therefore misrepresented that the transactions involved a right that Defendants knew or reasonably should have known the transactions did not involve.

44. Defendants, through their actions described in numbered paragraphs 14, 15, and 18 above, have effectively represented to consumers, consumers' financial institutions, or other third parties either 1) that the consumers whose accounts were charged had authorized Defendants to submit the charges or 2) that the consumers whose accounts were charged were obligated to pay the charges submitted by Defendants, when in fact the consumers had not authorized the charges and were not obligated to pay them.

45. Defendants have therefore misrepresented that the transactions involved a right or obligation that the Defendants knew or reasonably should have known the transactions did not involve.

46. Defendants have violated Ind. Code § 24-5-0.5-3(a)(8).

Violations of the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(1)

47. Defendants, through the representations described in numbered paragraph 12 above, have represented that the subject of the consumer transactions includes the characteristics or benefits of providing consumers the right to receive and use the product for a trial period without incurring more than shipping and handling charges, when in fact Defendants' practice of prematurely submitting billing information, described in numbered paragraph 14 above, effectively eliminates these characteristics or benefits from the subject of the consumer transactions.

48. Defendants have therefore misrepresented that the subject of the consumer transactions had characteristics or benefits that Defendants knew or reasonably should have known the subject of the consumer transactions did not have.

49. Defendants have violated Ind. Code § 24-5-0.5-3(a)(1).

Violations of the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(14)

50. Given the nature of the products Defendants offered and sent to consumers, Defendants, through their actions described in numbered paragraph 15 above, have engaged in the replacement of product without the consumers' authorization, when the Defendants knew or reasonably should have known that the consumers had not authorized such replacement.

51. Defendants have violated Ind. Code § 24-5-0.5-3(a)(14).

Violations of the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(7)

52. Defendants, through the actions of their telemarketers described in numbered paragraph 20 above, represented that the consumer transactions had third party sponsorship, approval, or affiliation that the consumer transactions did not have.

53. Defendants have therefore misrepresented third party sponsorship, approval, or affiliation in the consumer transactions, when they knew or reasonably should have known they were doing so.

54. Defendants have violated Ind. Code § 24-5-0.5-3(a)(7).

Defendants' Knowing Commission of Deceptive Acts Under Indiana Law

55. Defendants committed the deceptive acts described in numbered paragraphs 10 through 22 above, and committed the violations of Indiana law identified above, with knowledge.

Defendants' Incurable Deceptive Acts Under Indiana Law

56. Defendants' activities described in numbered paragraphs 12 through 20 above, and the number of consumer victims identified in Exhibit A, indicate that Defendants committed the violations of Indiana law identified above as part of a scheme, artifice, or device, with intent to defraud or mislead. Such violations are therefore incurable deceptive acts under Ind. Code § 24-5-0.5-8.

Violations of the Indiana Telephone Solicitations Act

Violations of the Indiana Telephone Solicitations Act, Ind. Code § 24-5-12-10

57. The actions of Defendants' telemarketers described in numbered paragraph 20 above make Defendants "sellers" as defined by Ind. Code § 24-5-12-8.

58. For the purposes of Defendants' consumer transactions described above, Indiana law requires Defendants to register with the Indiana Consumer Protection Division as a seller soliciting or attempting solicitations under Ind. Code § 24-5-12-10.

59. Defendants have not registered as required by Ind. Code § 24-5-12-10.

60. Defendants have violated Ind. Code §§ 24-5-12-10, -11, and -16, and have thereby committed deceptive acts under Ind. Code § 24-5-12-23.

PRAYER FOR RELIEF

61. Plaintiff, State of Indiana, seeks judgment against the Defendants for the following relief:

a. A permanent injunction, under 15 U.S.C. § 6103(a), enjoining Defendants from engaging in the activity described in numbered paragraphs 14 through 18 and 20 or otherwise violating the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. §§ 6101 through 6108, or the Act's implementing Telemarketing Sales Rule, 16 C.F.R. § 310.1 through 310.9;

b. A permanent injunction, under Ind. Code § 24-5-0.5-4(c)(1), enjoining Defendants from engaging in the activity described in numbered paragraphs 14 through 18 and 20 or otherwise violating the Indiana Deceptive Consumer Sales Act, Ind. Code §§ 24-5-0.5-1 through 24-5-0.5-12;

c. A permanent injunction, under Ind. Code § 24-5-0.5-4(c)(1), enjoining Defendants from violating the Indiana Telephone Solicitations Act, Ind. Code §§ 24-5-12-1 through 24-5-12-25;

d. Consumer restitution, damages, and other compensation for aggrieved Indiana consumers under 15 U.S.C. § 6103(a);

e. Consumer restitution for all aggrieved consumers under Ind. Code §§ 24-5-0.5-4(c)(2) and 24-5-0.5-4(d);

f. Contract voidance for all aggrieved consumers under Ind. Code §§ 24-5-0.5-4(d);

g. Civil penalties in the amount of \$500 for each of Defendants' knowing deceptive acts under Ind. Code § 24-5-0.5-4(g);

h. Civil penalties in the amount of \$500 for each of Defendants' incurable deceptive acts under Ind. Code § 24-5-0.5-8;

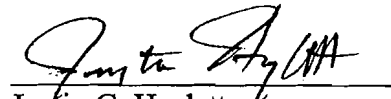
i. Costs of the Attorney General's investigation and prosecution of this matter, under Ind. Code § 24-5-0.5-4(c)(3);

j. All other relief deemed just and appropriate by this Court, under 15 U.S.C. § 6103(a) and any other applicable law.

Respectfully Submitted,

Stephen Carter
Attorney General of Indiana

By:


Justin G. Hazlett
Deputy Attorney General
Attorney No. 22046-49

Office of the Indiana Attorney General
302 W. Washington Street, IGCS 5th Floor
Indianapolis, Indiana 46204

Telephone of Attorney Hazlett: (317) 232-0167

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Consumer Name	Address	Defendants' Charge to Consumer
Greta Abel	834 31st Ave N St. Cloud, MN 56303	unknown
Audrey Abernathy	1404 Crittenden Street, NW Washington, DC 20011	\$150.75
Victoria L. Adams	7505 Tripp Ave, Amarillo, TX 79121	unknown
William Adams	PO Box 836965 Richardson, TX 75083	\$399.75
Gina Akao	3240 Alpine Creek Road Reno, NV 89509	unknown
Vanley Akers	769 Linwood Street Brooklyn, NY 11208-4436	\$154.00
Delmar Albertson	611 S. Avery Road Plevna, KS 67568	unknown
Jacki Alexander	782 E. Bronco Drive Spring Creek, NV 89815	unknown
Terrah Alexander	12419 Vimy Ridge Road Alexander, AR 72002	unknown
Maria Allen	24 Mill Street Apt 224 Paterson, NJ 07501	\$473.25
Alan Andersen	P.O. Box 435 South Prairie, WA 98385-0435	\$473.25
Amelia Apgar	674 Elmwood Terr Rochester, NY 14620	unknown
Beverly Aranda	716 Spring Street Mt. Shasta, CA 96067	unknown
Shadee Ardalan	1590 Sacramento Street Unit 34 San Francisco, CA 94109	\$150.75
Jennifer Arkland	1220 Walnut Street Webster City, IA 50595	unknown
Andria Armour	146 Gentry Lane Chickamauga, GA 30707	unknown
Kim Arnold	3856 Frances Street #218 Omaha, NE 68105	\$637.00
Joanne Audette	34 Cumberland Street Cumberland, RI 02864	unknown
Cheri Axt	12530 SE Salmon Street Portland, OR 97233	unknown
Denis Backus	1014 Old River Road White River Junction, VT 05001	unknown
Thomas Bailey	8201 52nd Street Ct. W. University Place, WA 98467-1909	\$902.00
Lori Baker		unknown
Marian Baldwin	4707 Morning Star Lane Mariposa, CA 95338	unknown
Sydney Ballard	385 Kokance Bend Columbia Falls, MT 59912	\$183.50

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Consumer Name	Address	Defendants' Charge to Consumer
Jordan Borges	2321 Regent Way Castro Valley, CA 94546	unknown
Brenda Bornemeier	1319 310th Street Murdock, NE 68407	\$248.75
Michael Boudwin	163 S. Norwinden Drive Springfield, PA 19064	unknown
Michael E. Brady	PO Box 135, 56 S. Front Street York Haven , PA 17370	unknown
Eleanor Brandenburg	116 E. Warren Street, Moweaqua, IL 62250	unknown
Christine Brangi	35 Branhaven Drive East Haven, CT 06513	unknown
Alan Brasseur	11 West St. Groveton, NH 03582	\$481.50
Andres Bravo		\$576.00
Susan Brennan	1933 Cooper Ave, Lansing, MI 48910	unknown
Beth Brewer	770 Lombard Road Rising Sun, MD 21911	unknown
Barbara Bridges	7441 Bangor Avenue Hesperia, CA 92345	\$467.00
Dianne Britting	208 E. Clark Street Davison, MI 48423	\$473.25
Daniel Brooks	2 Main Street Northfield, IL 60093	unknown
Andrea R. Brown	PO Box 192, Center Conway, NH 3813	unknown
Donald Brown		\$407.50
Lois Brown	1560 Woodview Court Huddleston, VA 24104	\$423.75
Matthew Brown	2035 Hollyhedge Lane Indian Trail, NC 28079	unknown
Miriam V. Brown	746 E. Price Road, Midland, MI 48642	unknown
Patricia Brown	496 Richmond Avenue, Buffalo, NY 14222	unknown
Ryan K. Brown	816 N Crimson Lane, Kaysville, UT 84037	unknown
Sara Brown	816 N. Crimson Lane, Kaysville, UT 84037	unknown
Kurt Bruinier	15525 SW Beef Bend Road Tigard, OR 97224-1164	\$352.50
Ramona Brundage	541 N. Emerald Avenue Modesto, CA 95351	\$624.00
Edwina Bryan	PO Box 122 Cleveland, AL 35049	unknown
Eilene Buch	403 E. Pierce Fairfield, IA 52556	unknown
Raymond Bulles	613 North Lemacks Street Waterboro, SC 29488	\$473.25
Dawn Burkholder	17627 Heisterboro Road Hagerstown, MD 21740-7532	\$271.50
Dorothy Burriss	1035 W. Main Street Annville, PA 17003	unknown

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Consumer Name	Address	Defendants' Charge to Consumer
Paula Clouse	2800 Mannen Mt. Vernon, IL 62864	unknown
Elizabeth Cobb	19903 Windy Nook Drive Houston, TX 77084	unknown
Belinda Cogburn	1937 Hawken Drive Plano, TX 75023	unknown
Dean Collier	101 Cathy Court Windsor, CA 95492	\$195.00
Michelle Collins	516 Forest Street Monroe, CA 30655	\$478.00
Alissa Combs	3800 Salen Highway Stuart, VA 24171	\$407.25
Amy Congodn	5340 Gladstone Apt C Saint Louis, MO	unknown
Jose Contreras	2514 Radcliffe Drive Sugar Land, TX 77478	unknown
Joan Coop	2851 Holt Road Minooka, IL 60447	\$352.50
Robert Cornell	17090 Ontario Drive Spring Lake, MI 49456	unknown
Deborah J. Couch	545 Ebbcreek Drive # M, Corona, CA 92880	unknown
Kevin Coulson	3985 Curtisville Road South Branch, MI 48761	\$410.50
Phyllis Cowart	1414 Santa Margarita, Condo A Las Vegas, NV 89146	unknown
Carol Cozzolino	1052 36 1/2 Lane Pueblo, CO 81006	unknown
Lisa Cozzolino	11 Parsonage Lot Road Lebanon, NJ 08833	unknown
Christina Craanen	8263 Exeter Road Carleton, MI 48117	\$271.50
Bradford Crist	103 Barbare Avenue Greer, SC 29650	\$359.00
Cindy Croft	33220 Tetterington Street Lake Elsinore, CA 92530	\$150.75
Judith Cronin	20305 Birch Lane Ocean Park, WA 98640-3116	\$391.50
Curtis Cruz	6647 Allston Street Los Angeles, CA 90022-4718	\$150.75
Tommie Culbreath	8517 Shuman Lane Cincinnati, OH 45231	unknown
Renee Dahl	26472 Sandy Crk Lake Forest, CA 92630-5627	unknown
Sandra Dailey	694 Bodie canyon Road Priest River, ID 83856	\$902.00
Betty Van Dam	168 E. 54th Street Elmwood Park, NJ 07407	\$155.50

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Consumer Name	Address	Defendants' Charge to Consumer
David Emery	3441 Data Drive Apt 539 Rancho Cordova, CA 95670	unknown
William B. Erlich	5101 Jameson Drive, Columbus, OH 43232	unknown
Carolina Escobar	858 Goodrich Street Uniondale, NY 11553	unknown
Divendra Etwaroo	9 Brinkerhoff Street Jersey City, NJ 07304	\$576.00
Beverly Exton		\$576.00
Marilyn Fadenholz	997 Stony Hill Road, Hinckley, OH 44233	unknown
Joseph Failagao	33-35 200th Street Bayside, NY 11361	unknown
Julie Farrow	1821 Whites Chapel Road Gadsden, AL 35901	\$679.35
Naomi Faulkner	8349 Patton Avenue Citrus Heights, CA 95610	unknown
Christine Feinstein	18642 Paseo Pizarro Irvine, CA 92612-3331	\$150.75
Gary A. Fesenmeyer	16468 Bob Drive, Lawson , MO 64062	unknown
Craig Field	612 N. St. SW Quincy, WA 98848	\$150.75
Charlotte Firestone	1208 Van Voorhis Road, Apt H Morgantown, WV 26505	unknown
Tatyana Fleksher	79 Carroll Street, Garden Apt Brooklyn, NY 11231	unknown
Sandra Flint		\$223.25
Michael W. Forker	609 Martindale Road LA Fayette, GA 30728	unknown
George Fortenberry	1608 W. Second Street Arlington, TX 76013	\$473.25
Lisa Fortney	PO Box 563 Masontown, WV 26542	\$115.00
Andrew Fountain	4122 McClintocksburg Road Diamond, OH 44412	unknown
Elizabeth Fowler	14 St. Jude Street Portland, ME 04103	\$645.00
Anna Louise Fox	PO Box 18, Claypool, AZ 85532	unknown
Bill Fox	3790 Hedgesville Road, Suite L Hedgesville, WV 25427-5953	\$118.00
Jewel Franks	45375 Hwy 17N Apt 21 Vernon, AL 35592	unknown
Roberta Franta	1940 Oak Park Avenue Berwyn, IL 60402	\$150.75
Kathy Frantz	3252 Fourth Street Boulder, CO 80304	\$256.50
Earline Frazier	4178 Tracy Court Everton, AR 72633	unknown
Shelley Frazier	3323 Cork Drive El Paso, TX 79925	\$271.50

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Consumer Name	Address	Defendants' Charge to Consumer
Carol Glascock	4140 Hilldale Avenue Oroville, CA 95966	\$155.50
Gregory Glass	PO Box 773 21573 Hyampom Road Hayfork, CA 96041	unknown
Judith Goetz	198 E. Marshall Street Waynesville, NC 28786	\$576.00
Susana Gomez	1220 W. Cleveland Street, Apt A-10 Fayetteville, AR 72701	unknown
Martha Gonzalez	2039 Bluehaven Court San Diego, CA 92154	unknown
Elizabeth Gordy	75 Moore Avenue Waldwick, NJ 07463	\$101.00
April Gosney	1309 Williams Blvd Richland, WA 99352	unknown
Kala Gostian	221 Randall Circle Clanton, AL 35045	\$150.75
Rui Grabowski	256 Cardinal Way San Clemente, CA 92672	unknown
David P. Grant	321 Holly Bend, Bayville, NJ 8721	unknown
Walter Gray	921 Westerly Trail Virginia Beach, VA 23464	unknown
Joan Green	8011 S. Drexel Avenue, Chicago, IL 60619	unknown
Kimberly Green	22 Coville Drive Browns Mills, NJ 08015	unknown
Mona Lisa Green	3271 16th Street San Francisco, CA 94103	unknown
Barbara Smith Griffin		\$99.00
Vivien Griggs	2160 Autumn Place Columbus, OH 43223	\$337.50
Judy Grunke	66658 County Road 3 Franklin, MN 55333	\$101.75
Bruce Guenther	5021 Brookside Drive Columbia, TN 38401	unknown
Jean Guilfooy	102 Flat Rock Drive, Folsom, CA 95630	unknown
Andrew Gunderson	22 Sydney Lane Stafford, VA 22554	unknown
Arthur Gustafson	132 Byron Victoria, TX 77901	unknown
Belinda Hacke	112 Lambert Drive Newport News, VA 23602	unknown
Mike Halbert	3235 E 1/2 Road Clifton, CO 81520	unknown
LewEllyn Hallett	104 Allen Road Bow, NH 03304	unknown
Denise Hallgwyn	2977 Hall Road Franklinville, NC 27248	unknown

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Consumer Name	Address	Defendants' Charge to Consumer
Gregory Hoffa	243 Thomas Drive King of Prussia, PA 19406	unknown
Rodell Holley	304 Emery Avenue Romeoville, IL 60446-1704	unknown
Warren Hollyfield	115 Lanier Lane Marion, VA 24354-6559	\$473.25
Kip L. Holmes	1603 Redd Street, Austin, TX 78745	unknown
Rodney W. Hook	3328 Latonia Ave # 1, Covington, KY 41015	unknown
Steve Hooper	329 Glenstone Drive Mountain Home, AR 72653	\$473.25
Christine Horwhat	1005 E. Mahanoy Street Mahanoy City, PA 17948	unknown
Maggie Howlett	5032 Clay Bank Road Gloucester, VA 23061	unknown
Betty Hughes	75 Wellesley Drive Apt #409 Newportnews, VA 23606	unknown
Billy Hyatt	611 Duffy Street Aberdeen, WA 98520	unknown
Sergio Ibarra	12220 Milestone Manor Ln. Germantown, MD 20876	unknown
Sarah Ingalls	5633 Kingswood Drive Citrus Heights, CA 95610	unknown
Basil Ioannou	719 Cactus Bend Drive, Pflugerville, TX 78660	unknown
Noel Isom	4908 Hackberry Lane Sacramento, CA 95841	unknown
Naila Jabbour		\$576.00
Karen Jackson	1699 Freedom Street Osceola, IA 50213	\$45.50
Vicky Jagaca	PO Box 854 Honokaa, HI 96727	\$489.75
Judy Jakubiak	3671 N. Bond Street Kingman, AZ 86401	\$624.00
Doris Jalbert	10 Lowell Court Lewiston, ME 04240	unknown
Barbara Janssen	8517 Blue Lake Drive San Diego, CA 92119	unknown
Maxine Holley Jarnigam	602 9th Street NW Red Bay, AL 35582	\$150.75
Denver Jefferson	9599 W. Charleston Blvd. #1145 Las Vegas, NV 89117	\$115.00
Julie Jennings	15145 Bellflower Blvd Bellflower, CA 90706	unknown
Cheryl Jensen	801 Fiddler Creek Road Hubbard, NE 68741	unknown
Beverly Joberg	19055 Braemore Road Northridge, CA 91326	unknown

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Consumer Name	Address	Defendants' Charge to Consumer
Lorraine Kirsten	516 Bay View Court McHenry, IL 60051	\$150.75
Sylvia Klave	1340 Morningside Avenue Sioux City, IA 51106	unknown
Mark Klein	59 East Avenue Milford, CT 06460	\$455.25
Cheryl Knight	146 W. Brookdale Palce Fullerton, CA 92832	\$78.00
Ruby Knox	430 Grand Ave #1003, Des Moines, IA 50309	\$739.35
Gabriel Kook	1416 Amherst # 6, West Los Angeles, CA 90025	unknown
Robin Koopman	2124 Jefferson Street Anderson, IN 46016	unknown
Connie Koutz	3344 South Summit Avenue Tucson, AZ 85730	unknown
Teresa Krasowska	185 India Street, Apt 2R Brooklyn, NY 11222	unknown
Mary Kratz	1135 Abbeville Collierville, TN 38017	\$147.00
Norita Kress	2108 N. Washington Street #5 Bismark, ND 58501	\$117.00
Yuriy Krylov	4348 Lerner Hall @ Columbia Univ., New York, NY 10027	unknown
Nicole LaFollette	1302 143rd Avenue NE Ham Lake, MN 55304	unknown
Marlys Larsen	175 Second Avenue SE Wells, MN 56097	\$662.75
Sophie Larson	PO Box 254 Midland, SD 57552	\$473.25
Kathy Law	17712 Hwy 82 Union Springs, AL 36089	\$150.75
David E. Lawrence	5407 Happiness Street, San Antonio, TX 78219	unknown
Kathryn A. Lawrence	411 W Philadelphia , Bridgeport, WV 26330	unknown
Phuong Le		\$558.00
Jean Leasure	48300 B Mines Road Livermore, CA 94550	\$352.50
Paula Lee	9404 Yuma Drive Knoxville, TN 37931	unknown
Tom Lehman	909 Skylar Court, Wake Forest, NC 27587	unknown
Emily Lenti	25 Arbor Road Campbell Hall, NY 10916-3018	\$473.25
Kim Levan	1500 Kristina Drive Bellefontaine, OH 43311	\$489.75
Nell Levy	1408 Melbourne Street, Foster City, CA 94404	unknown

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Consumer Name	Address	Defendants' Charge to Consumer
Jarvis Maxey	Rt 1, Box 8692 Antlers, OK 74523	\$352.50
Amber Maxwell		\$473.25
Melinda M. Maxwell	68 Mt. Joy Place, New Rochelle, NY 10801	unknown
Tammy Maxwell	351 North Squirrel Road #95 Auburn Hills, MI 48326	unknown
Carol McCauley	1686 Old Mill Road Franklin Grove, IL 61031	unknown
Katherine R. McCormack	6364 Views Trace, Norcross, GA 30092	unknown
Angela McDougal	242 Fire Tower Road, Bald Knob, AR 72010	unknown
Carrie McFaul	619 Falconbridge Drive Joppa, MD 21085	unknown
Marie McGlinn	1110 E. Dolphin Ave, Northfield, NJ 8225	unknown
Melissa McGough	27345 Denoya Drive, Saugus, CA 91350	\$150.75
Janice McGuinn		\$155.50
Laura McGuire	1166 Hale Road Wilmington, OH 45177	unknown
Melanie McKay	2008 West 10th Street Davenport, IA 52804	unknown
Charlene McKelvey	6489 NE Quade Madras, OR 97741	\$481.50
Vera McWhite	766 Flowers Road Lot 1 Pamplico, SC 29583	\$352.50
Gary Meadows	35 Pine Hill Drive LaFayette, AL 36862	\$102.75
Marian Meadows	37 W 239 Olwin Elgin, IL 60123	unknown
Wolf & Debra Mehling	40 Mt. Tenaya Drive, San Rafael, CA 94903	unknown
Kim Metz		\$473.25
Rebecca Michel	1410 W. 3rd Street West Plains, MO 65775	unknown
Penelope Mikulenska	10827 Twin Circles Montgomery, TX 77356	unknown
Julia Miller	4602 Los Feliz Blvd. #203 Los Angeles, CA 90027	\$576.00
Linda Miller	403 Forth Street Dewitt, IA 52742-2017	\$473.25
Linda M. Miller	1607 S. 13th Avenue Yakim, WA 98902	\$576.00
Rebecca Miller	5501 Buttonwood Court, Monmouth Junction, NJ 8852	unknown
Terry Milligan	705 Oak View Cove Georgetown, TX 78628	\$352.50
Patricia Milner	112 Meadow Street Woodstock, GA 30188	\$473.25
Kenneth Milton	912 Maple Street Muskogee, OK 74403	\$399.75

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Consumer Name	Address	Defendants' Charge to Consumer
Margie S. O'Neill	877 Elkins Lake, Huntsville, TX 77340	unknown
Sherri Orr	1113 Forest Road Colorado Springs, CO 80906	unknown
Angelina Overhamm	2252 N. 44th Street, Apt #2045 Phoenix, AZ 85008	unknown
Charith Owen	150 E. Ninth Street Superior, NE 68978	\$150.75
Jean Painter	81 Harrington Lane Roxboro, NC 27573	unknown
Tina Palhegyi		\$473.25
Alexander Pantl	69 Winding wood Drive Apt 1B Sayreville, NJ 08872	\$488.96
Jahmela P. Pantino	1628 W. 218th Street Apt 17, Torrance, CA 90501	unknown
Jason Parham	8188 N. Streamside Avenue Tucson, AZ 85741	unknown
Carole R. Parks	137 Cottage Road Carthage, TX 75633	unknown
Hiran Patel	7951 Roswell Road Apt B Atlanta, GA 30350-3991	\$473.25
Russell Patterson	2454 Lake Street Lincolnton, NC 28092	unknown
Paul Patton	5076 Matthews Road Edinburg, PA 16116	\$473.25
Marvin Pederson	200 W. Blackburn Road Mt. Vernon, WA 98273-5208	\$481.50
Ashley Pendergrass	701 Balcones Apt 59 College Station, TX 77845	unknown
Eileen Peoples	1622 N. Villa Avenue Clovis, CA 93611	\$473.25
Caroline Perry	336 S. Spalding 102 Beverly Hills, CA 90212	\$250.00
Karen Petracca	723 Lunn's Way Plymouth, MA 02360	\$150.75
Christine Pierce	91 Aspen Road Wakefield, RI 02879	unknown
Alexis Piersak	525 Edgar Street Wolf Point, MT 59201	unknown
Gail Pigeon	2938 N. 22nd Way Phoenix, AZ 85016	unknown
Chris Poeppel	5827 Stallion Oaks Road El Cajon, CA 92019	\$807.50
Alicia Poladian	159 Pine Street Arroyo Grande, CA 93420-0159	unknown
Karin Poore	3717 Dalebrook Drive Dumfries, VA 22026	\$147.00

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Consumer Name	Address	Defendants' Charge to Consumer
Lynn Roberts	4623 N. 11th Street Phoenix, AZ 85014	unknown
Berenice Robledo	8030 W. 91st Place Hickory Hills, IL 60457	unknown
James Rode	12106 Aaron Drive Moreno Valley, CA 92557	unknown
Larry Rodebaugh	620 Carpenter Drive Jacksonville, AR 72076	\$473.25
Yvette Rodriguez	104 Deer Run Road Stroudsburg, PA 18360	unknown
William Rogister, Jr.	913 Seward Street Hollywood, CA 90038-2518	\$147.00
Dianne Rose	8 Meadowlark Terrace Wyoming, RI 02898	\$359.00
Angela Ross	2940 McGuffee Road Clinton, MS 39056	unknown
Tony Ross	1629 Cumberland Ave, Knoxville, TN 37916	unknown
Dodd Roth	21204 Bryant Street Canoga Park, CA 91304	\$347.74
Kristin Rudd	104 N. Harris Drive Fort Rucker, AL 36362	unknown
Fred Russell	15245 Hwy 146 North Liberty, TX 77575	\$462.00
Sean Ryerse	18 Furman Cresent Rochester, NY 14620-2802	\$150.75
Phyllis Saksa	354 Cypress Street Longview, WA 98632	unknown
Sue Salsgiver	210 Pennsylvania Avenue Punxsutawney, PA 15767	unknown
Cathy Sanders	308 Dyer Lane Brentwood, TN 37027	unknown
Mark Sanders	108 East Summerset Lane Amherst, NY 14228	unknown
Paul Saracino	202 Cottage Road South Portland, ME 04106	unknown
Agatha Schassow	5211 Nash Street, Casper, WY 82604	unknown
Brooke Schimansky		\$150.75
Patricia Schnieders	4819 480th Avenue Mallard, IA 50562	unknown
Chester Schossow	5211 Nash Street Casper, WY 82604-2517	\$270.25
Shem Schroeck	1804 Pullman Lane #1 Redondo beach, CA 90278	\$624.00
Kim Schulte	5508 W. 9th Street Wichita, KS 67212	unknown
Moana Schwertsik	2027 Coctaw Drive West Covina, CA 91791	\$66.00

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Kamela Soennichsen	515 South Prairie Miles City, MT 59301	unknown
Carol Souza	92 Allen Avenue Cranston, RI 02910	\$473.25
Denise Spang	PO Box 57 Adamstown, PA 19501	\$584.25
Myra Sparling	265 Hope Circle Malvern, AR 72104	\$150.75
Catherine Spindler		\$150.75
Deborah Sproles	24341 Bolam Avenue Warren, MI 48089	unknown
Juanita Squire	1024 Rutland Road # 1, Brooklyn, NY 11212	unknown
Billy & Lori Stallings	337 Bonita Parkway Hendersonville, TN 37075	unknown
Treo Starley	4708 Mountain Road #126 Cheyenne, WY 82009	unknown
Stacy Steitz	1112 I Avenue NW Cedar Rapids, IA 52405	unknown
Betty Stinnett	1280 Whitlow Road Cordova, AL 35550	unknown
Gail Stino	122 Merriman Road Windsor, CT 06095	unknown
Cynthia Stipech	1320 Oak Nolo Way Sacramento, CA 95833	unknown
Sheila Stooksberry	315 Third Street Findlay, OH 45840	unknown
Krista Story	3750 Beech Avenue Baltimore, MD 21211	\$120.75
Ann Strader	314 Redwood Drive Shafter, CA 93263	unknown
Diane Strother	2571 County Road 357A Alvin, TX 77511	unknown
Sheena Struble	34 Crosswind Drive Shrewsbury, PA 17361	unknown
John C. Stuart	10459 E. Hillery Drive, Scottsdale, AZ 85255	unknown
Mehtar Sullivan	4860 Fort Totten Drive, NE Apt 31 Washington, DC 20011-7574	unknown
Joseph Summa	PO Box 592, Derry, NH 3038	unknown
Jeanette E. Summers	3477 Florrie Ave, Las Vegas, NV 89121	unknown
Jon Sunday	PO Box 541 Remington, IN 47997	\$217.07
Ireneusz Swiecki		\$121.15
Kristen Talbert	2016 Chippewa Hwy Manistee, MI 49660-9775	\$150.75
Brenda Tate	136 Melissa Drive Mount Airy, NC 27030	unknown

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Paul Vanaman	14 West Drive Margate City, NJ 08402	\$576.00
Eric Varela	731 Faircroft NW Albuquerque, NM 87120	unknown
Lauren Vaughan	9505 Virgilina Road Roxboro, NC 27574	unknown
Paula Volkenant	15015 N. 61st Place Scottsdale, AZ 85254	unknown
Becky Wageman		\$150.75
Gregg Waheed	22710 Bridgehaven Katy, TX 77494	\$473.25
Shonelle Walcott	1278 Marion Avenue, Plainfield, NJ 7060	unknown
Heather Walker	14829 N. Skokie Court Phoenix, AZ 85022	\$216.00
Sarah Walker	2649 170th Street Fort Dodge, IA 50501	unknown
John Walsh	4410 Briggs Avenue Montrose, CA 91020	\$576.00
Donald C. Warren	1637 Post Road Apt C101, San Marcos, TX 78666	unknown
Michelle Wassell	15029 Island Bay Drive Orlando, FL 32828	unknown
Jentip Watanasookchai	23 Harold Street Nanuet, NY 10954	\$98.00
Susan E. Watts	66 W. Jeffery Ave, Wheeling, IL 60090	unknown
Thelma Webb	863 E. Chestnut Canton, IL 61520	\$150.75
Chad Weigel	1812 Second Avenue NW Minot, ND 58703	\$428.75
Heather West	1722 Martin Drive #5105 Weatherford, TX 76086	\$325.50
Mary West	1010 Goist Lane Girard, OH 44420	unknown
John Weston	7229 Maxwell Court North Highlands, CA 95660	unknown
Barbara White	1178 S. Home Avenue Oak Park, IL 60304	unknown
Ron White	13733 W. Ohio Drive Lakewood, CO 880228-3059	\$301.50
Marie Wilbur	209 Old Willets Path Smithtown, NY 11787	unknown
Susan Wilcox	196 SE 411 Warrensburg, MO 64093	unknown
Jamie M. Wilder	5696 Shady Oak Lane, Jackson, MI 49201	unknown
Diane Wilhelm	1091 High Ridge Road Big Island, VA 24526	\$489.75
Bernadeta Wilk	543 NW 95th Street Seattle, WA 98115	\$359.00